

<b>Interview Summary</b>	<b>Application No.</b> 10/733,916	<b>Applicant(s)</b> SCHUTZ, A. JAMES	
	<b>Examiner</b> Alicia M Torres	<b>Art Unit</b> 3671	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Alicia M Torres. (3) Thomas Anderson.  
 (2) Meredith Petravick. (4) \_\_\_\_\_.

Date of Interview: 04 November 2004.

Type: a) ☐ Telephonic b) ☐ Video Conference  
 c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
 If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: Independent claims 1, 9, 14.

Identification of prior art discussed: Doering et al., Jobling et a..

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The proposed amendment would overcome the prior art of record. However, the examiners feel the changes would not deem the case allowable and a further search would be required.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

*M. Petravick*

GAU 3671

Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: A. James Schutz

Serial No.: 10/733,916

Group Art Unit: 3671

Filing Date: December 11, 2003

Examiner: Alicia M. Torres

For: STICK RAKE

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**PROPOSED AMENDMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed June 18, 2004, kindly amend the above-identified application as follows:

*Torres*

**AMENDMENTS TO THE CLAIMS**

1. (Currently Amended) An apparatus operative for gathering yard refuse from a ground surface, said apparatus comprising:

a gathering device having a frame and a motor, said frame supporting an elongated rotor having a longitudinal axis, said elongated rotor being disposed with a plurality row of spaced apart tines extending perpendicular to the longitudinal axis, said elongated rotor driven by said motor, said tines operative to gather yard refuse from the ground surface when rotating and being moved over the ground surface;

a pair of wheels operative to support said frame on the ground surface;

an adjustment mechanism ~~disposed between~~ operatively mounted to each of said pair of wheels ~~and said frame~~ adjacent opposing ends of said elongated rotor to adjust the position of the elongated rotor with respect to the ground surface; and

a basket for holding the yard refuse collected from the ground surface ~~by~~ pivotally attached to the gathering device.

2. (Original) The apparatus of claim 1 wherein the gathering device further comprises a shield for preventing the collected yard refuse from being ejected out from said gathering device.

3. (Original) The apparatus of claim 1 wherein the tines include distal ends that are bent outwardly toward a direction of rotation of the elongated rotor.

4. (Currently Amended) The apparatus of claim 1 wherein the basket is a hinged basket adapted to be selectably attachable to the gathering device, and supported by second pair of wheels.

5. (Original) The apparatus of claim 1 wherein the tines have a diameter of  $\frac{1}{2}$ -1 $\frac{1}{2}$  inches and a length of 5-9 inches.

6. (Original) The apparatus of claim 1 wherein the gathering device is further operative for thatching a lawn.

7. (Original) The apparatus of claim 1 wherein the elongated rotor is 36-108 inches in length.

8. (Original) The apparatus of claim 1 wherein the elongated rotor is selectably attachable to the gathering device.

9. (Currently Amended) An apparatus adapted to be towed by a vehicle and operative for gathering yard refuse from a ground surface, said apparatus comprising:

a gathering device having a frame that supports an elongated rotor and a motor in communication with said elongated rotor, said elongated rotor having a ~~plurality~~ row of spaced apart tines and mounted to said frame to be rotatably driven by said motor, said tines operative to gather yard refuse from the ground surface when rotating and being towed over the ground surface;

a pair of wheels operative to support said frame on the ground surface;

an adjustment mechanism ~~disposed between~~ operatively mounted to each of said pair of wheels ~~and said frame~~ adjacent opposing ends of said elongated rotor to adjust the position of the elongated rotor with respect to the ground surface; and

a basket for holding the yard refuse collected from the ground surface by pivotaly attached to the gathering device.

10. (Original) The apparatus of claim 9 wherein the gathering device further comprises a shield for preventing the collected yard refuse from being ejected out from said gathering device.

11. (Original) The apparatus of claim 9 wherein the tines include distal ends that are bent outwardly toward a direction of rotation of the rotor.

12. (Currently Amended) The apparatus of claim 9 wherein the basket is a hinged basket adapted to be selectably attachable to the gathering device, and supported by a second pair of wheels.

13. (Original) The apparatus of claim 9 wherein the elongated rotor is selectably attachable to the gathering device.

14. (Currently Amended) An apparatus adapted to be towed by a vehicle and operative for gathering sticks from a ground surface, said apparatus comprising:

a gathering device having a frame that supports an elongated rotor and a motor in communication with said elongated rotor, said elongated rotor having a ~~plurality~~ row of spaced apart tines and operative to be rotatably driven by said motor, said tines operative to gather sticks from the ground surface when rotating and being towed over the ground surface;

a pair of wheels operative to support said frame on the ground surface;

an adjustment mechanism ~~disposed between~~ operatively mounted to each of said pair of wheels ~~and said frame~~ adjacent opposing ends of said elongated rotor to adjust the position of the elongated rotor with respect to the ground surface; and

a basket for holding the sticks collected from the ground surface ~~by~~ pivotally attached to the gathering device.

15. (Original) The apparatus of claim 14 wherein the gathering device further comprises a shield for preventing the collected sticks from being ejected out from said gathering device.

16. (Original) The apparatus of claim 14 wherein the tines include distal ends that are bent outwardly toward a direction of rotation of the rotor.

17. (Currently Amended) The apparatus of claim 14 wherein the basket is a hinged basket adapted to be selectably attachable to the gathering device, and supported by a second pair of wheels.

18. (Original) The apparatus of claim 14 wherein the tines have a diameter of  $\frac{1}{2}$ - $1\frac{1}{2}$  inches and a length of 5-9 inches.

19. (Original) The apparatus of claim 14 wherein the gathering device is further operative for thatching a lawn.

20. (Original) The apparatus of claim 14 wherein the elongated rotor is selectably attachable to the gathering device.



**REMARKS**

Claims 1, 4, 9, 12, 14 and 17 have been amended. Claims 1-20 remain in the application.

Based on the above, Applicant submits that the claims are in a condition for allowance, which allowance is respectfully solicited. If the Examiner finds to the contrary, it is respectfully requested that the undersigned in charge of this application be called at the telephone number given below to resolve any remaining issues.

Respectfully submitted,

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**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

"EXPRESS MAIL" MAILING LABEL NUMBER \_\_\_\_\_

DATE OF DEPOSIT \_\_\_\_\_

I hereby certify that this paper or fee (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Janice R. Kuehn